

Amendments to the Drawings:

Applicant submits two sheets of formal drawings, each sheet labeled “Replacement Sheet”, containing amendments to FIGS. 1, 4 and 5. The amendments to the drawings do not introduce new matter.

Remarks/Arguments

Claims 23-44 were pending in the application. Claims 23-27, 30 and 38-44 were rejected. Claims 28, 29 and 31-37 were withdrawn. No claims were merely objected to and no claims were allowed. By entry of the foregoing amendment, no claims are canceled, claims 23, 27, 28 and 43 are amended, and new claim 45 is added. Support for the amendments to the drawings, specification and claims may at least be found in the claims as originally filed. No new matter is presented.

Drawings

The examiner objects to the drawings under 37 C.F.R. §1.184(m),(p)(4),(5).

Applicant submits two sheets of formal drawings, each sheet labeled “Replacement Sheet”, containing amendments to FIGS. 1, 4 and 5.

First, the reference numeral “89” is a typographical error in the specification and should read “84”. Thus, Applicant has not amended the drawings to include reference numeral “89”.

Secondly, Applicant has amended FIGS. 4 and 5 to replace reference numerals 38, 40, 42, 43 and 44 with reference numerals 38a, 40a, 42a, 43a and 44a.

Thirdly, Applicant has amended FIG. 4 to show the lead lines of reference numeral 43a point to the notches rather than the ribs.

Fourthly, Applicant has amended FIG. 5 to provide a lead line for reference numeral 44a which was missing.

Lastly, Applicant has amended FIG. 1 to remove the black shading of the protective plate 60.

In light of the foregoing, Applicant respectfully requests the examiner withdraw the objections to the drawings and find the drawings comply with the statutory requirements under 37 C.F.R. §1.184(m),(p)(4),(5).

Specification

The examiner objected to the specification due to an informality in paragraph [0001].

Applicant has replaced paragraph [0001] to remove the objectionable language.

Applicant has also replaced paragraphs [0030], [0032], [0034] and [0036] to include reference numerals 38a, 40a, 42a, 43a and 44a as shown in Figures 4 and 5 as originally filed. Support for the amendments to specification may at least be found in the drawings as originally filed.

In light of the foregoing, Applicant respectfully requests the examiner withdraw the objection to the specification and find the specification is compliant.

Claim Objections

The examiner objected to claims 23, 27 and 43 due to various informalities.

Applicant has amended claims 23, 27 and 43 to correct the informalities.

In light of the foregoing, Applicant respectfully requests the examiner withdraw the objection to claims 23, 27 and 43 and find claims 23, 27 and 43 are allowable.

Claim Rejections-35 U.S.C. §112

The examiner asserts claims 38-44 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses the rejection.

Applicant notes the examiner intended to include claim 23 when framing the present rejection.

Applicant has amended claim 23 to correct lines 2-3 and provide antecedent basis to the claim elements “shaft” and “screw head”.

Applicant has amended claim 38 to replace the claim element “hollow profile” with the claim element “the second hollow profile”.

Applicant has amended claim 41 to remove the recitation “, in particular of approximately 25°”.

Applicant has amended claim 43 to indicate the protective surface comprises a protective plate.

Lastly, claim 38 was amended to be dependent upon claims 23-27 and as such claims 39,

40 and 44 are now definite.

For at least these reasons, Applicant contends claims 23 and 38-44 are definite and particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In light of the foregoing, Applicant respectfully requests the examiner withdraw the rejection under 35 U.S.C. §112, second paragraph, and find claims 23 and 38-44 are allowable.

Claim Rejections-35 U.S.C. §102

The examiner asserts claims 23 and 30 are rejected under 35 U.S.C. §102(b) as being anticipated by DE 20106561 to Muller. Applicant respectfully traverses the rejection.

Applicant submits herewith a translation of paragraph [0002] of the EP 1,651,873, which corresponds to the present U.S. application, and discusses the substance of DE 20106561, and a translation of the text of DE 20106561. Applicant presents these translations to more effectively convey the differences between Muller's teachings and Applicant's claims 23 and 30.

Muller does not teach, either explicitly or inherently, each and every element of Applicant's claim 23 or claim 30. Applicant's claim 23 recites in part the following:

"wherein the first and second hollow profiles (10, 10_a) are held together by a connecting screw (30, 30_a), a shaft (32) of which engages in the profile channel (14) of the first hollow profile (10) and a screw head (36, 36_a) of which is mounted in the undercut longitudinal groove (22) of the second hollow profile (10_a), wherein the screw head (36, 36_a) is provided on its periphery with grooves or notches (43) which run in planes extending from the shaft longitudinal axis (M) and form ribs (44) between them."

Muller teaches a clamping screw 3 is used to fasten the second profile rod 2 by an end face against the longitudinal side 100 of the first profile rod 1 which is illustrated in more detail in Figure 9. The screw head 32 includes a collar 31 having a toothed structure 310 (See Figures 8 and 9). As shown in Figure 9, the toothed structure 310 is only placed along the collar 31 and does not extend longitudinally along the axis S of the shaft of clamping screw 3. This is a significant distinction when comparing the clamping screw 3 taught by Muller with the claimed connecting screw 30, 30a recited in Applicant's claims 23 and 30.

In framing the present rejection, the examiner stated the screw head 32 of Muller

provided on a periphery with grooves or notches running in planes extending from the longitudinal axis of the shaft 30 and forming ribs 310 between the grooves or notches (See Office action mailed October 10, 2007, page 9). Applicant contends the examiner mischaracterized the teachings of Muller. Muller's toothed structure may contain teeth such that peaks and valleys are formed, but these teeth do not extend longitudinally along the axis S of the shaft of the clamping screw taught by Muller. Figure 9 and the supporting text clearly refute the examiner's characterization of Muller's teachings. The examiner has simply inserted Muller's language into a grammatical framework provided by Applicant's claim language. In other words, the examiner has been "cherry picking" and not actually applying the teachings of Muller as taught therein. Applicant contends Muller cannot anticipate either expressly or inherently each and every claim element recited in Applicant's claims 23 and 30.

For at least these reasons, Applicant contends claims 23 and 30 are patentable and not anticipated by Muller.

In light of the foregoing, Applicant respectfully requests the examiner withdraw the rejection under 35 U.S.C. §102(b) and find claims 23 and 30 are allowable.

Claim Rejections-35 U.S.C. §103

The examiner asserts claims 24-27 and 40-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over DE 20106561 to Muller in view of U.S.P.N. 4,685,848 to Langer.

Applicant respectfully traverses the rejection.

Applicant reiterates their remarks with respect to the teachings of Muller. Applicant contends Muller cannot suggest or provide the requisite motivation to one of ordinary skill in the art to utilize the claimed screw head of Applicant's claims as Muller merely teaches using a screw head having a collar provided with teeth that are not longitudinally disposed along an axis S of the shaft of the screw head taught therein. Applicant contends Langer does not cure the deficiencies of the teachings of Muller. Even if Langer teaches or suggests employing a screw head tapering conically towards a head surface remote from the shaft to be able to use a tool at an angle to rotate a screw, Langer does not teach the following:

"wherein the first and second hollow profiles (10, 10_a) are held together by a connecting screw (30, 30_a), a shaft (32) of which engages in the profile channel (14) of the first hollow profile (10) and a screw head (36, 36_a) of which is mounted in the undercut longitudinal groove (22) of the second hollow profile (10_a), wherein the screw head (36, 36_a) is provided on its periphery with grooves or notches (43) which run in planes extending from the shaft longitudinal axis (M) and form ribs (44) between them.",

as recited in Applicant's claim 23 from which claims 24-27 and 40-42 are ultimately dependent.

For at least these reasons, Applicant contends claims 24-27 and 40-42 are patentable and not obvious in view of the combined teachings of Muller in view of Langer.

In light of the foregoing, Applicant respectfully requests the examiner withdraw the rejection under 35 U.S.C. 103(a) and find claims 24-27 and 40-42 are patentable.

CONCLUSION

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,
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